

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket No.

STIPULATION WITHDRAWING APPEAL

It appearing that the above appeal is premature because some claims are still pending in District Court, i.e.,

_____ FRCP 54(b), and no certification has been granted, WHEREFORE,

The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. This stipulation shall not preclude any appeal from a final judgment, i.e. adjudicating all the claims and the rights and liabilities of all the parties, or granting certification, FRCP 54(b).

Attorney for Appellant

Attorney for Appellee

COUNSEL: Please print name and
firm under signature.